

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent Application of:  
Karl-Heinz Kogel et al.

Application No.: 10/522,106

Confirmation No.: 9243

Filed: January 24, 2005

Art Unit: 1638

For: METHOD FOR OBTAINING THE  
PATHOGENIC RESISTANCE IN PLANTS

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Examiner: Ibrahim, Medina Ahmed

**THIRD REQUEST FOR CORRECTED FILING RECEIPT**

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby request that a corrected Filing Receipt be promptly issued in the above-identified patent application. The official Filing Receipt received by Applicants dated March 7, 2008, a marked-up copy of which is attached hereto, has the following error:

1. The Attorney Docket No. should read "**12810-00067-US**" in lieu of "532622010500";
2. The Power of Attorney should read, "The patent practitioners associated with Customer Number **23416**" in lieu of "25227"; and
3. The Filing or 371(c) Date should read "**7/19/2007**" in lieu of "7/26/2007", as evidenced by the newly executed Combined Declaration and Power of Attorney with change of correspondence address filed and received by the U.S. Patent and Trademark Office (USPTO) July 19, 2007, which is evidenced by the date of receipt stamped on the cover page of "Applicants Response to Pre-exam Formalities Notice" available in PAIR dated July 19, 2007. Furthermore the entries in Private PAIR dated July 26, 2007 are incorrect. Those documents were all submitted by Express Mail on July 19, 2007 as support for previous submissions, as evidenced by the Certificate of Express Mailing dated July 19, 2007 attached as page 3 to "Applicants Response to Pre-exam Formalities Notice" available in PAIR dated July 19, 2007.

To further support the above mentioned dates, Applicants have previously submitted copies of the stamped return postcards as evidence with the first "Request for Corrected Filing Receipt, Corrected Notice of Acceptance of Application, and Change of Correspondence Address" received by the Patent Office on February 26, 2008.

Applicants additionally request that the Attorneys/Agents listed in PAIR be appropriately changed to reflect the Attorneys/Agents associated with Customer Number 23416. The Attorneys/Agents presently listed are incorrect and are not associated with the Customer Number of record.

Applicants additionally request that all pertinent U.S. Patent and Trademark Office records relating to the subject application be changed to reflect these corrections.

Applicants believe no fee is due with this request. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12810-00067-US from which the undersigned is authorized to draw.

Respectfully submitted,

By /s/ Hui-Ju Wu  
Hui-Ju Wu, Ph.D.

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# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	TOT CLAIMS	IND CLAIMS
10/522,106	07/26/2007 <i>should read - 7/19/2007</i>	1638	2740	532622010500 <i>should read - 12810 - 00067-US</i>	23	3

CONFIRMATION NO. 9243

## FILING RECEIPT



OC000000028643006

23416  
CONNOLLY BOVE LODGE & HUTZ, LLP  
P O BOX 2207  
WILMINGTON, DE 19899

Date Mailed: 03/07/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

### Applicant(s)

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### Assignment For Published Patent Application

Basf Plant Science GmbH, Ludwigshafen, GERMANY

Power of Attorney: The patent practitioners associated with Customer Number 25227

*should read: 23416*

### Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP03/07589 07/14/2003

### Foreign Applications

GERMANY 10233327.0 07/22/2002

If Required, Foreign Filing License Granted: 11/12/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/522,106**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**Title**

Method for Obtaining the Pathogenic Resistance in Plants

**Preliminary Class**

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**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER**

**Title 35, United States Code, Section 184**

**Title 37, Code of Federal Regulations, 5.11 & 5.15**

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